

<b>First Action Interview Pilot Program Pre-Interview Communication</b>	<b>Application No.</b> 10/525,108	<b>Applicant(s)</b> NAKAJIMA ET AL.	
	<b>Examiner</b> MICAH-PAUL YOUNG	<b>Art Unit</b> 1618	Page 1 of 2

**-The MAILING OR NOTIFICATION DATE of this communication appears on the cover sheet with the correspondence address -**  
THE SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE **ONE MONTH OR THIRTY (30) DAYS**, WHICHEVER IS LONGER, FROM THE MAILING OR NOTIFICATION DATE OF THIS COMMUNICATION.

**This time period for reply is extendable under 37 CFR 1.136(a) for only ONE additional MONTH.**

**This communication constitutes notice under 37 CFR 1.136(a)(1)(i).**

Applicant must, within the time period for reply, file: (1) A letter requesting not to have a first action interview; (2) A reply under 37 CFR 1.111 waiving the first action interview and First Action Interview Office Action; or (3) An Applicant Initiated Interview Request Form (PTOL-413A) electronically via EFS-Web, accompanied by a proposed amendment or arguments, and schedule the interview within 2 months from the filing of the request. A failure to respond to this communication will be treated as a request not to have an interview. If applicant waives the First Action Interview Office Action, the instant Pre-Interview Communication is deemed the first Office Action on the Merits. The next subsequent Office action may be made final if appropriate. See MPEP 706.07(a).

#### Disposition of Claims

- 3) ☒ Claim(s) 9-19 is/are pending in the application.  
3a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 4) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 5) ☒ Claim(s) 9-19 is/are rejected.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 7) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 8) ☐ The specification is objected to by the Examiner.
- 9) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 10) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 11) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☒ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

#### Contact Information

Examiner's Telephone Number: (571)272-0608  
Examiner's Typical Work Schedule: Monday-Friday 8:00-5:30; every other Friday off  
Supervisor's Name: Michael G. Hartley  
Supervisor's Telephone Number: 571-272-0616

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>2/18/05</u> . | 6) <input type="checkbox"/> Other: _____  |

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<b>Notification of Rejection(s) and/or Objection(s)</b>					
#	Claim(s)	Reference(s) (if applicable)	Rejection Statutory Basis	Brief Explanation of Rejection	
1	19	Andrianov et al USPN 5500161	102(b)	The '161 patent teaches a method of making microparticles (abstract, col. 3, lin. 45-53). The microparticles are formed by flowing together a continuous aqueous phase with a polyelectric polymer through a microchannel	
2	9-19	Andrianov et al USPN 5500161 in view of Bugarski et al (AIChE Journal) June 1994, vol. 40, No. 6	103(a)	The 161 provides a method of making microparticles using a polyelectric solution and a continuous phase flowed together turbulently. The Bugarski study provides a method of contacting the polyelectric dispersion of 161	
3	11		112 paragraph 2nd	The claim recites a large volume capacity, yet does not define the term "large". The claim is indefinite since "large" is a relative term not defined by the spec or claim.	

Expanded Discussion/Commentary		
		(col. 6, lin. 40-55). The microparticles measure 1-1000 microns, and encapsule active agents such as proteins and pharmaceutical agents (Examples, col. 3, lin. 60-65). The polyelectric polymers include polyacrylic and polymethacrylic acids.
		with a polyvalent solution (Ca ions) (Experimental studies pg 1027). The polyelectric dispersion would be forced through a small channel (needle/nozzle) and dropped into the Ca solution. The Ca solution has a different charge than the dropping solution and is controlled by disk electrodes. The Ca hardening solution can further comprise alginate. It would have been obvious to form microbeads using this method in order to ensure uniform bead size. Without the reversing negative field of the hardening solution particle size varied widely (page 1029).
		The combination of prior art does not contain a surface active agent.
<b>DATE:</b> 3/28/2010		/MICAH-PAUL YOUNG/ Examiner, Art Unit 1618
		/Michael G. Hartley/ Supervisory Patent Examiner, Art Unit 1618